

6295

# Customs Bulletin

Regulations, Rulings, Decisions, and Notices  
concerning Customs and related matters



## and Decisions

of the United States Court of Customs and  
Patent Appeals and the United States  
Customs Court

Vol. 12

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MAY 24, 1978

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No. 21

*This issue contains*

T.D. 78-130 through 78-136

Proposed Rulemaking

V.D. 158

International Trade Commission Notice

THE DEPARTMENT OF THE TREASURY  
U.S. Customs Service

## NOTICE

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# U.S. Customs Service

## *Treasury Decisions*

(T.D. 78-130)

### *Ports of Entry and Customs Stations—Customs Regulations amended*

Sections 101.3 and 101.4, Customs Regulations, relating to the  
Customs field organization, amended

DEPARTMENT OF THE TREASURY

*Washington, D.C.*

### TITLE 19—CUSTOMS DUTIES

#### CHAPTER I—UNITED STATES CUSTOMS SERVICE

##### PART 101 - GENERAL PROVISIONS

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final Rule.

SUMMARY: This document changes the field organization of the Customs Service (1) by transferring jurisdiction over Morris County, New Jersey, from the Baltimore, Maryland, region to the New York, New York, region; (2) by transferring supervisory authority over the Customs stations at Crane Lake and Ely, Minnesota, from the ports of International Falls/Ranier and Grand Portage, Minnesota, respectively, to the consolidated port of Duluth, Minnesota/Superior, Wisconsin; and (3) by extending the limits of the Customs ports of entry of Corpus Christi, Texas, Los Angeles, California, and Bar Harbor, Maine.

EFFECTIVE DATE: June 8, 1978.

#### FOR FURTHER INFORMATION CONTACT:

Robert Schenarts, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington D.C. 20229 (202-566-8151).



## SUPPLEMENTARY INFORMATION:

## BACKGROUND

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers and the public, the Customs Service determined that it would be desirable to make several changes in its field organization.

Accordingly, on November 15, 1977, a notice published in the **FEDERAL REGISTER** (42 FR 59090) proposed:

1. To transfer jurisdiction over Morris County, New Jersey, from the Baltimore, Maryland, region (Region III) to the New York, New York, Region (Region II);
2. To transfer supervisory authority over the Customs stations at Crane Lake and Ely, Minnesota, from the ports of International Falls/Ranier, and Grand Portage, Minnesota, respectively, to the consolidated port of entry of Duluth, Minnesota/Superior, Wisconsin (Region IX); and
3. To extend the limits of the ports of entry of Corpus Christi, Texas, in the Galveston, Texas, district (Region VI) and Los Angeles-Long Beach, California, in the Los Angeles, California, district (Region VII).

On November 28, 1977, a notice published in the **FEDERAL REGISTER** (42 FR 60571) proposed to extend the limits of the port of entry of Bar Harbor, Maine, in the Portland, Maine, district (Region I).

## DISCUSSION OF COMMENTS

One comment was received in response to the notice published on November 15, 1977. The commenter opposed the proposed transfer of supervisory authority over the Customs stations at Crane Lake and Ely, Minnesota, stating that the proposal was designed solely to preserve a supervisory inspector's position in the Duluth, Minnesota, district. The transfer was requested by the Regional Commissioner of Customs, Region IX, to provide better overall district management, to strengthen supervision over the two Customs stations, and to provide better service to the public.

After consideration of the comment and further review, the changes in organization proposed in both **FEDERAL REGISTER** notices are adopted.

## CHANGES IN THE CUSTOMS FIELD ORGANIZATION

Under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949-1953 Comp., Ch. II), and

The purpose of this journal is to provide a medium for the publication of original research, clinical reports, and other material of interest to the medical profession. It is published weekly, except during the months of December and January, when it is published bi-weekly.

The journal is published by the American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610. The subscription price is \$12.00 per annum in advance.

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pursuant to the authority in Treasury Department Order No. 190, Rev. 15 (43 FR 11884), the following changes are adopted:

1. Region II (New York, New York) and Region III (Baltimore, Maryland) are realigned by transferring jurisdiction over Morris County, New Jersey, from Region III to Region II.

2. In Region IX (Chicago, Illinois), supervisory authority over the Customs stations at Crane Lake and Ely, Minnesota, is transferred from the Customs ports of entry of International Falls/Ranier and Grand Portage, Minnesota, respectively, to the consolidated Customs port of entry of Duluth, Minnesota/Superior, Wisconsin.

3. The geographical boundaries of the Customs port of entry at Corpus Christi, Texas, in the Galveston, Texas, district (Region VI, Houston, Texas) are extended to include the territory described as follows:

Beginning on the north at the intersection of the northwest city limits of Corpus Christi and the Nueces River and proceeding in a northerly, then easterly, then southeasterly direction along the Nueces River to the western city limits of Corpus Christi on Nueces Bay, then proceeding in a northerly direction along the western city limits of Corpus Christi to White Point Road and continuing in a northerly direction on White Point Road to its intersection with Farm to Market Road (FM) No. 1074, then proceeding in an easterly direction on Farm to Market Road (FM) No. 1074 to its intersection with Farm to Market Road (FM) No. 893, then continuing in an easterly direction on Farm to Market Road (FM) No. 893 to its intersection with U.S. Highway No. 181, then proceeding in a northeasterly direction on U.S. Highway No. 181 to its intersection with Texas State Highway No. 35, then proceeding in an easterly direction on Texas State Highway No. 35 to its intersection with the boundaries of San Patricio and Aransas Counties, then proceeding in a southeasterly direction along the boundary line between Aransas and San Patricio Counties to the Intracoastal Waterway, where the boundary between Aransas, San Patricio, and Nueces Counties intersect, then proceeding in a northeasterly direction along that portion of the Intracoastal Waterway which is the boundary between Aransas and Nueces Counties, then proceeding in a southeasterly direction along the boundary line between Aransas and Nueces Counties to the lighthouse on Harbor Island, then proceeding due east from the lighthouse on Harbor Island to the Gulf of Mexico shoreline of San Jose Island, then proceeding in a southwesterly direction along the Gulf of Mexico shoreline on San Jose Island and continuing in a southwesterly direction along the Gulf of Mexico shoreline





of Mustang Island to Access Road No. 1A, then proceeding in a northwesterly direction on Access Road No. 1A to Mustang Island Road (Park Road No. 53), then proceeding in a southwesterly direction on Mustang Island Road (Park Road No. 53), to its intersection with Park Road No. 22, then proceeding in a northwesterly direction on Park Road No. 22 to its intersection with the city limits of Corpus Christi, then following the city limits of Corpus Christi in a generally southwesterly, then westerly, then northerly, then northwesterly direction to the place of beginning, all being in Texas.

4. The geographical boundaries of the Customs port of entry at Los Angeles-Long Beach, California, in the Los Angeles, California, district (Region VII, Los Angeles, California) are extended to include the territory described as follows:

All territory within Los Angeles County bounded on the west by Topanga Canyon Boulevard, north to the intersection of the Simi Valley—San Fernando Valley Freeway, and from the intersection of the Antelope Valley Freeway and the Golden State Freeway along the corporate limits of Los Angeles to the intersection of the Foothill Freeway on the west boundary of Glendale, southeast to the San Gabriel River Freeway, south to the Orange County border to the southeast corporate limit of Long Beach.

5. The geographical boundaries of the Customs port of entry at Bar Harbor, Maine, in the Portland, Maine, district (Region I, Boston, Massachusetts) are extended to include Mt. Desert Island, the city of Ellsworth, and the townships of Hancock, Sullivan, Sorrento, Gouldsboro, Winter Harbor, and Trenton, all in the State of Maine.

#### AMENDMENTS TO THE REGULATIONS

#### PART 101 — GENERAL PROVISIONS

The table in section 101.3(b) of the Customs Regulations (19 CFR 101.3(b)) is amended by inserting the words; "including the territory described in T.D. 78-130" following "4 F.R. 4691" in the parenthetical expression which appears after "Corpus Christi" in the column headed "Ports of entry" in the Galveston, Texas, district (Region VI); by deleting the language "including territory described in T.D. 55341; T.D. 56383." which appears after "LOS ANGELES—LONG BEACH" in the column headed "Ports of entry" in the Los Angeles, California, district (Region VII) and inserting in lieu thereof the language "including the territory described in T.D. 78-130."; and by revising the



listing for Bar Harbor, Maine, in the column headed "Ports of entry" in the Portland, Maine, district (Region I) to read as follows:

"Bar Harbor, Maine, including Mt. Desert Island, the city of Ellsworth, and the townships of Hancock, Sullivan, Sorrento, Gouldsboro, Winter Harbor, and Trenton (E.O. 4572, Jan. 27, 1927; T.D. 78-130)."

The table in section 101.4(c) of the Customs Regulations (19 CFR 101.4(c)) is amended by deleting "International Falls/Ranier." and "Grand Portage." which appear opposite "Crane Lake, Minn—" and "Ely Minn—", respectively, in the column headed "Port of entry having supervision" in the Duluth, Minnesota, district (Region IX) and inserting in lieu thereof, in each case, "Duluth, Minnesota/Superior, Wisconsin."

#### DRAFTING INFORMATION

The principal author of this document was Suellen Ferguson, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: April 27, 1978:

BETTE B. ANDERSON,

*Under Secretary of the Treasury.*

[Published in the FEDERAL REGISTER May 9, 1978 (43 FR 19832)]

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(T.D. 78-131)

#### *Foreign Currencies—Daily Rates for Countries Not On Quarterly List*

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, People's Republic of China yuan, Philippines peso, Singapore dollar, Thailand baht (tical)

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
*Washington, D.C., May 3, 1978.*

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

## Hong Kong dollar:

April 17, 1978.....	\$0. 2167
April 18, 1978.....	. 2160
April 19, 1978.....	. 2159
April 20, 1978.....	. 2162
April 21, 1978.....	. 2157

## Iran rial:

April 17-21, 1978.....	\$0. 0141
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## People's Republic of China yuan:

April 17, 1978.....	\$0. 5904
April 18, 1978.....	. 5904
April 19, 1978.....	. 5869
April 20, 1978.....	. 5868
April 21, 1978.....	. 5869

## Philippines peso:

April 17-21, 1978.....	\$0. 1355
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## Singapore dollar:

April 17, 1978.....	\$0. 4319
April 18, 1978.....	. 4290
April 19, 1978.....	. 4296
April 20, 1978.....	. 4272
April 21, 1978.....	. 4263

## Thailand baht (tical):

April 17-21, 1978.....	\$0. 0490
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(LIQ-3)

JOHN B. O'LOUGHLIN

*Director,**Duty Assessment Division*

(T.D. 78-132)

*Foreign Currencies—Certification Of Rates*

Rates of exchange certified to the Secretary of the Treasury by the  
Federal Reserve Bank of New York

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
*Washington, D.C., April 6, 1978.*

The Federal Reserve Bank of New York, pursuant to section 522(c),  
Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the

following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 78-129 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates:

Switzerland franc:

April 20, 1978----- \$0. 5052

April 21, 1978----- . 5127

(LIQ-3)

JOHN B. O'LOUGHLIN

*Director,*

*Duty Assessment Division*

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(T.D. 78-133)

*Tuna Fish Tariff-Rate Quota*

The tariff-rate quota for the calendar year 1978 on tuna classifiable under item 112.30, Tariff Schedules of the United States

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
*Washington, D.C., May 5, 1978*

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Announcement of the quota quantity for tuna for calendar year 1978.

SUMMARY: Each year the tariff-rate quota for tuna fish described in item 112.30, Tariff Schedules of the United States (TSUS), is based on the U.S. pack of canned tuna during the preceding calendar year.

EFFECTIVE DATES: The 1978 tariff-rate quota is applicable to tuna fish described in item 112.30, TSUS, entered, or withdrawn from warehouse, for consumption during the period January 1 through December 31, 1978.

## FOR FURTHER INFORMATION CONTACT:

Helen C. Rohrbaugh, Head, Quota Section, Duty Assessment Division, Office of Operations, U.S. Customs Service, Washington, D.C. 20229 (202 566-8592).

It has now been determined that 101,407,000 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1978 at the rate of 6 per centum ad valorem under item 112.30, TSUS. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 per centum ad valorem under item 112.34 of the tariff schedules.

Pursuant to the provisions of item 112.30, TSUS, the above quota is based on the United States pack of canned tuna during the calendar year 1977.

G. R. DICKERSON,  
*Acting Commissioner of Customs.*

[Published in the FEDERAL REGISTER May 15, 1978 (43 FR 20886)]

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(T.D. 78-134)

*Cotton Textiles and Cotton Textile Products—Restriction on Entry*

Restriction on entry of cotton textiles, and cotton textile products manufactured or produced in Brazil

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
*Washington, D.C., May 9, 1978*

There is published below a directive of March 31, 1978, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning visa requirements on cotton textiles and cotton textile products in categories 300 through 369 manufactured or produced in Brazil. This directive further amends, but does not cancel, that Committee's directive of June 29, 1972 (T.D. 72-200).

This directive was published in the FEDERAL REGISTER on April 15, 1978 (43 FR 14348), by the Committee.

(QUO-2-1)

BEN L. IRVIN  
*for JOHN B. O'LOUGHLIN,*  
*Director,*  
*Duty Assessment Division*

UNITED STATES DEPARTMENT OF COMMERCE  
The Assistant Secretary for Industry  
and Trade  
Washington, D.C. 20230

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

*March 31, 1978.*

COMMISSIONER OF CUSTOMS  
*Department of the Treasury*  
*Washington, D.C. 20229*

DEAR MR. COMMISSIONER:

This directive further amends, but does not cancel, the directive of June 29, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, under certain specified conditions, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64 (currently Categories 300-369), produced or manufactured in the Federative Republic of Brazil, for which that Government had not issued an appropriate export visa. One of the requirements is that each visa include the signature of a Brazilian official authorized to issue visas.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as amended on December 15, 1977; pursuant to the provisions of the Bilateral Cotton Textile Agreement of April 22, 1976, as amended, between the Governments of the United States and the Federative Republic of Brazil; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by E.O. 11951 of January 6, 1977, the directive of June 29, 1972 is further amended, effective on April 1, 1978, to authorize those Brazilian officials indicated on the enclosed list to issue visas.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD

*Chairman, Committee for the Implementation  
of Textile Agreements, and Deputy Assistant  
Secretary for Domestic Business Development*

*Officials of the Federative Republic of Brazil Authorized to  
Issue Visas for Cotton Textiles and Cotton Textile  
Products Exported to the United States*

Joao Rodrigues Alves	Adir de Oliveira Meirelles
Jose Carlos de Araujo	Newton Cerqueira Melo
Jose Alkindar Xavier Balbe	Jorge Luiz Pessoa Morado
Antonio Carlos Bastos, Jr.	Rubens de Azeredo Moulin
Jose Magno de Leao Brasil	Edison Mueller
Newton Geraldo Camilo	Arnaldo Nogueira Jr.
Paulo Cordeiro	Vincente Antonio Nucci
Luiz Cezar Cotta	Rufino Cancio Pires
Ruy Carlos Cury	Fauzi Rahme
Luiz Estanislau Enoch	Flavio Eduardo Patricio Ribeiro
Fued Farhat	Amos Lima de Santana
Victor Angelo Pinto Ferreira	Antonio Santos
Antonio Bezerra de Figueiredo	Ary de Oliveira Seabra
Carlos Leon Finger	Antonio Ferreira Sena
Francisco Ursina Filho	Diether Dagobert Siebert
Publio Jackson Furiatti	Egydio Sponchiado
Antonio Maurilio Galesso	Ernio Antonio Thimmig
Wilson dos Santos Garcia	Jose Nicolao Turnes
Eudes Izar	Roberto Varella
Euclides Romeu Justo	Nanzur Castro Vasconcellos
Mario Emilio Kreibich	Henrique Jose Vieira
Paulo Henrique Souza e Silva Lisboa	Wilfried Volkmann
Helio Ribeiro Lopes	Armando Vulcano
Adolfo Lueders, Jr.	Celso Mario Zipt
Fernando Antonio Ferreira de Medeiros	

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(T.D. 78-135)

*Cotton and Wool Products—Restriction on Entry*

Restriction on entry of cotton and wool products manufactured or produced in  
India

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
Washington, D.C., May 9, 1978

There is published below a directive of April 24, 1978, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry of cotton and wool products in categories 342 and 465 manufactured or produced in India. This directive amends, but does not cancel, that Committee's directive of January 27, 1978 (T.D. 78-72).



This directive was published in the FEDERAL REGISTER on April 27, 1978 (43 FR 17994), by the Committee.

(QUO-2-1)

BEN L. IRVIN,  
*for* JOHN B. O'LOUGHLIN,  
*Director,*  
*Duty Assessment Division*

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UNITED STATES DEPARTMENT OF COMMERCE  
The Assistant Secretary for Industry  
and Trade  
Washington, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS  
*Department of the Treasury*  
*Washington, D.C. 20229*

*April 24, 1978.*

DEAR MR. COMMISSIONER:

This directive amends, but does not cancel, the directive issued to you on January 27, 1978 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in India.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 24, 1978 and for the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978, entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 342 (visaed) and 465, produced or manufactured in India, in excess of the following levels of restraint:

<i>Category</i>	<i>Twelve-Month Level of Restraint</i>
342	84,270 dozen
465	8,000,000 square feet

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<sup>1</sup>The levels of restraint have not been adjusted to reflect any imports after December 31, 1977.

A detailed description of the categories in terms of T.S.U.S.A numbers was published in the *FEDERAL REGISTER* on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421) and March 3, 1978 (43 FR 8828).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of India and with respect to imports of cotton and wool textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *FEDERAL REGISTER*.

Sincerely,

ROBERT E. SHEPHERD

*Chairman, Committee for the Implementation  
of Textile Agreements, and Deputy Assistant  
Secretary for Domestic Business Development*

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(T.D. 78-136)

*Cotton Textile Products—Restriction on Entry*

Restriction on entry of cotton textile products manufactured or produced in  
Romania

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
*Washington, D.C., May 9, 1978*

There is published below a directive of April 17, 1978, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, correcting the level of restraint for cotton textile products in category 348 manufactured or produced in Romania. This directive amends, but does not cancel, that Committee's directive of March 28, 1978 (T.D. 78-121).

This directive was published in the *FEDERAL REGISTER* on April 20, 1978 (43 FR 16798), by the Committee.

(QUO-2-1)

BEN L. IRVIN,  
*for JOHN B. O'LOUGHLIN,*  
*Director,*  
*Duty Assessment Division.*

UNITED STATES DEPARTMENT OF COMMERCE  
Industry and Trade Administration  
Washington, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

*April 17, 1978*

COMMISSIONER OF CUSTOMS  
*Department of the Treasury*  
*Washington, D.C. 20229*

DEAR MR. COMMISSIONER:

This directive amends, but does not cancel, the directive issued to you on March 28, 1978 by the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain specified categories of cotton textile products, produced or manufactured in Romania.

The first paragraph of the directive of March 28, 1978 is amended, effective on April 17, 1978, to show the following level of restraint for cotton textile products in Category 348, produced or manufactured in Romania and exported to the United States during the twelve-month period which began on January 1, 1978 and extends through December 31, 1978:

*Category*  
348

*Twelve-Month Level of Restraint*<sup>1</sup>  
78,652 dozen

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL  
*Acting Chairman, Committee for the*  
*Implementation of Textile Agreements*

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<sup>1</sup> The restraint has not been adjusted to reflect any imports after December 31, 1977.

# U.S. Customs Service

## *Proposed Rulemaking*

The following notice of proposed rulemaking was recently published in the **FEDERAL REGISTER**. The Customs Service welcomes comments from the public in regard to the proposal. The comments must be in writing, addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, 1301 Constitution Avenue NW., Washington, D.C. 20229, and must be received on or before the date specified in the notice.

ROBERT E. CHASEN,  
*Commissioner of Customs.*

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(19 CFR Part 4)

### *Vessels in Foreign and Domestic Trades*

Extension of time for comments concerning proposed amendments to the Customs Regulations relating to foreign repairs to, and equipment purchased for, American vessels

**AGENCY:** United States Customs Service, Department of the Treasury.

**ACTION:** Notice of extension of time for comments.

**SUMMARY:** This notice extends the period of time permitted for the submission of comments in response to the recent proposal by the Customs Service to modify its substantive and procedural requirements relating to entries for foreign repairs and equipment purchases by American vessels. This extension will permit the preparation and submission of more detailed comments by interested members of the public.

**DATES:** Comments must be received on or before June 2, 1978.

**ADDRESS:** Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

**FOR FURTHER INFORMATION CONTACT:**

Jerry C. Laderberg, Carriers Rulings Branch, Carriers, Drawback and Bonds Division, U.S. Customs Service, Washington, D.C. 20229 (202-566-5706).

**SUPPLEMENTARY INFORMATION:****BACKGROUND**

On April 4, 1978, the Customs Service published in the **FEDERAL REGISTER** (43 FR 14060) notice of proposed amendments to sections 4.7(d)(1) and 4.14 of the Customs Regulations (19 CFR 4.7(d)(1) and 4.14) to modify its substantive and procedural requirements relating to entries for foreign repairs and equipment purchases by American vessels. The proposed amendments would establish procedures for handling each aspect of a vessel repair entry and are intended to reduce the amount of time needed to process the entry.

**COMMENTS**

Comments concerning the proposed amendments were to have been received on or before May 4, 1978. A request on behalf of a number of American-flag vessel operators has been received to extend the period of time for the submission of comments. Therefore, Customs is extending the period of time to comment to June 2, 1978.

LEONARD LEHMAN,  
*Assistant Commissioner,  
Regulations and Rulings.*

[Published in the **FEDERAL REGISTER** May 5, 1978 (43 FR /19417)]

# Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza  
New York, N.Y. 10007

*Chief Judge*

Edward D. Re

*Judges*

Paul P. Rao  
Morgan Ford  
Scovel Richardson  
Frederick Landis

James L. Watson  
Herbert N. Maletz  
Bernard Newman  
Nils A. Boe

*Senior Judge*

Samuel M. Rosenstein

*Clerk*

Joseph E. Lombardi

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## *Valuation Decision on Remand from Protest Proceedings*

(V.D. 158)

GENE MILLER

ATWOOD IMPORTS, INC., ET AL. v. UNITED STATES

*Remand of protests 65/19576, etc.*

Entered at Los Angeles, Calif.  
Entry Nos. 55538, etc.

Decided April 26, 1978

*Glad & Tuttle (Robert Glenn While of counsel) for the plaintiffs.  
Barbara Allen Babcock Assistant Attorney General (David M. Cohen, Chief,  
Customs Section), for the defendant.*

## DECISION AND JUDGMENT

FORD, Judge: The protests involved herein, and as listed on the attached Schedule "A", are on remand to a single judge sitting in reappraisement, pursuant to 28 U.S.C. § 2636(d), in consequence of the decision in *Gene Miller, Atwood Imports, Inc., et al. v. United States*, 67 Cust. Ct. 50, C.D. 4249 (1971), for the purpose of determining the proper dutiable values of certain woodworking machines and accompanying electric motors, also as hereinafter identified. Against this background, this judge to whom the protests were remanded makes the following findings of fact and conclusions of law, as agreed to by stipulation of the parties:

## FINDINGS OF FACT

1. The merchandise covered by these protests consists of other woodworking machines which are not on the Final List (T.D. 54521) promulgated by the Secretary of the Treasury pursuant to the Customs Simplification Act of 1956, and accompanying electric motors which are on the Final List, (T.D. 54521) promulgated by the Secretary of the Treasury pursuant to the Customs Simplification Act of 1956.

2. On or about the date of exportation of the above-referenced woodworking machines, the price at which such or similar merchandise was freely sold or, in the absence of sales, offered for sale to all purchasers in the principal markets of the country of exportation, in the usual wholesale quantities and in the ordinary course of trade, for exportation to the United States, plus when not included in such price, the cost of all containers and coverings of whatever nature and all other expenses incidental to placing the merchandise in condition, packed ready for the shipment to the United States, was as follows:

<u>Protest No.</u>	<u>Entry No.</u>	<u>Machine(s)</u>	<u>Unit Price: (U.S. dollars)</u>
65/19576	55538	(2) Multiple Rip-Saws, Model H-34	\$5,500.00 each
65/19577	60411	Schubert Hydraulic Press, Type HH 3.m	\$1,680.00
65/19581	41054	(6) Rye Type PD/3 Single Spindle Drilling Units	\$ 147.16 each
		(20) Rye Type PD/3 Twin Spindle Drilling Units	\$ 222.95 each

65/19585	34716	Rye Type H/2 Single Spindle Slot Morticer	\$1,514.00
65/19629	65472	Ehemann Universal Edge Belt Sander	\$1,188.00
65/19632	59908	Wadkin Hydro-Electric Cross-cutting and Trenching Machine Model C.J.4	\$2,310.00
		Wadkin 18" Tilting Arbor Dimension Saw	\$ 975.00
		Bursgreen 12" Surface Planer and Joiner, Model B.F.T.	\$ 890.00
		Wadkin-Bursgreen 14" Tilting Arbor Fixed Table Dimension Saw	\$ 954.00

3. On or about the date of exportation of the above-referenced electric motors, the price at which such a similar merchandise was freely offered for sale to all purchasers in the principal markets of the country of exportation, in the usual wholesale quantities and in the ordinary course of trade, for exportation to the United States, plus, when not included in such price, the cost of all containers and coverings of whatever nature, and all other costs, charges, and expenses incidental to placing the merchandise in condition, packed ready for shipment to the United States, was as follows:

<u>Protest No.</u>	<u>Entry No.</u>	<u>(U.S. dollars)</u>
65/19576	55538	Two 6.1 H.P. motors, \$175.50 ea Two 3 H.P. motors, \$145.00 ea
65/19577	60411	One 1.5 H.P. motor, \$41.00
65/19581	41054	Six motors, \$20.00 ea Twenty motors, \$21.50 ea
65/19585	34716	Two motors, \$93.00 ea
65/19629	65472	One motor, \$20.00
65/19632	59908	Two motors, \$19.00 ea One motor, \$10.00 One motor, \$15.00 One motor, \$9.00

#### CONCLUSIONS OF LAW

1. Export value as defined in section 402(b) of the Tariff Act of 1930, as amended by the Customs Simplification Act of 1956, is the proper basis for determining the value of the woodworking machines involved herein.



2. The correct export value for the above-referenced woodworking machines is the unit price, in United States dollars, as stated in paragraph 2 of the Findings of Fact.

3. Export value, as defined in section 402a(d), Tariff Act of 1930, is the proper basis of appraisement of the said electric motors, there being no other value higher than that value.

4. The correct export value for the above-referenced electric motors is as specified in paragraph 3 of the Findings of Fact herein, in U.S. dollars as stated therein.

# International Trade Commission Notices

*Investigations by the United States International Trade Commission*

DEPARTMENT OF THE TREASURY,  
*May 17, 1978.*

The appended notices relating to investigations by the United States International Trade Commission are published for the information of Customs Officers and others concerned.

R. E. CHASEN,  
*Commissioner of Customs.*

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[AA1921-180]

## WELDED STAINLESS STEEL PIPE AND TUBING FROM JAPAN

### *Notice of Investigation and Hearing*

Having received advice from the Department of the Treasury on April 20, 1978, that welded stainless-steel pipe and tubing from Japan, with the exception of that merchandise produced by Toa Seiki Co., Ltd., and Yamato Industries Co., Ltd., are being, or are likely to be, sold at less than fair value the United States International Trade Commission on May 1, 1978, instituted investigation No. AA1921-180 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing in connection with the investigation will be held in the Commission's hearing room, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, beginning at 9:30 a.m., e.d.t., on June 8, 1978. All persons shall have the right to appear by counsel or in person, to present evidence and be heard. Requests to appear at the public hearing, or to intervene under the provisions of section 201(d) of the Antidumping Act, 1921, shall be

filed with the Secretary of the Commission at his office in Washington, D.C., not later than noon, Friday, June 2, 1978.

There will be a prehearing conference in connection with this investigation which will be held in Washington, D.C. at 9:30 a.m., e.d.t., on Friday, June 2, 1978, in room 117, U.S. International Trade Commission Building, 701 E Street NW.

By order of the Commission:

KENNETH R. MASON,  
*Secretary.*

*Issued: May 2, 1978*

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Remand to single judge—export value—Some six protests were on remand to a single judge sitting in reappraisalment, pursuant to 28 U.S.C., sec. 2636(d), in consequence of the decision in *Gene Miller, Atwood Imports, Inc., et al. v. United States*, 67 Cust. Ct. 50, C.D. 4249 (1971), for the purpose of determining the proper dutiable values of certain woodworking machines and accompanying electric motors. The single judge, based upon the findings of fact and conclusions of law as agreed to by stipulation of the parties, found that export value as defined in sec. 402(b) of the Tariff Act of 1930, as amended by the Customs Simplification Act of 1956, was the proper basis for determining the value of the woodworking machines; that the correct export value for such machines was the unit price in United States dollars, as stated in par. 2 of the Findings of Fact; that export value, as defined in sec. 402a(d), Tariff Act of 1930, was the proper basis of appraisalment of the electric motors, there being no other value higher than that value; and that the correct export value for the electric motors was as specified in par. 3 of the Findings of Fact, in United States dollars as stated therein, V.D. 158

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DEPARTMENT OF THE TREASURY  
U.S. CUSTOMS SERVICE  
WASHINGTON, D.C. 20229

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